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Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

RUSSELL SHETTERS III,

Petitioner,

vs.

SUPERINTENDENT JOE SCHMIDT,

Respondent.

Case No. 3:04-cv-0142-TMB-JDR

**SECOND MOTION FOR TWO
ADDITIONAL WEEKS TO FILE
RESPONSE TO RESPONDENT'S
MOTION TO DISMISS PETITION
AS TIME-BARRED
*Filed on Shortened Time***

Petitioner, Russell Shetters, III, by and through counsel Mary C. Geddes, Assistant Federal Defender, hereby files this second motion to allow petitioner an additional two weeks to respond to respondent's motion to dismiss his petition. The response is due today, July 15, 2008. Respondent argues that Mr. Shetters' petition is out of time by either 55 or 13 days. Respondent's counsel, Michael McLaughlin, is assisting Ms. Geddes in the location of the needed correctional records.

Counsel for Mr. Shetters does require additional time to respond to the motion because her defense requires the review of Department of Correction records for Mr. Shetters

during the past several years, and an apparently related civil lawsuit. Her investigation could not be resolved in two weeks because of the press of other business and the vacation leave of her administrative staff.

DATED this 15th day of July, 2008.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA

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Certification:

I certify that on July 15, 2008, a copy of the foregoing document, with attachments, was served electronically on:

Michael Sean McLaughlin, Esq.

/s/ Mary C. Geddes